

dimensions and requisites than those stated above shall be issued only after the issuance of a zoning variance by the Zoning Board of Appeals.

- B. If two or more substandard agricultural parcels with continuous frontage have the same ownership as of the effective date of this chapter, the parcels involved shall be considered to be a single parcel for the purpose of this chapter.
- C. Substandard agricultural parcels shall be required to meet the setback and other yard requirements of this chapter.

ARTICLE IX

Nonconforming Uses and Structures

§ 340-96. Existing nonconforming uses. [Amended 3-3-1997 by Ord. No. 97-1; 11-13-2013 by Ord. No. 2013-03]

The lawful nonconforming use of a structure, land or water existing at the time of the adoption of or amendment of this chapter may be continued although the use does not conform to the provisions of this chapter; however:

- A. Only the portion of land or water in actual use may be so continued and, with the exception of residential structures in the A-1 Zoning District, the structure may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered except when required to do so by law or order so as to comply with the provisions of this **chapter**.
- B. With the exception of the residential structures in the **A-1 Zoning District**, **total lifetime structural repairs or alterations shall not exceed 50% of the Town's equalized value of the structure unless it is permanently changed to conform to the provisions of this chapter.**
- C. **Substitution of new equipment may be permitted by the Zoning Board of Appeals if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.**
- D. **Substitutions of other nonconforming uses for existing nonconforming uses may be permitted, provided that no structural alterations are to be made and the Town Plan Commission has made a review and determines that the new use would result in no greater degree of nonconformity and recommendation and approval is granted by the Zoning Board of Appeals. The nonconforming use may not thereafter be changed without application.**
- E. **Subject to the provisions of Article IV, conditional use status may be granted to existing legal nonconforming uses upon petition of the owner and where such use is determined to be not adverse to the public health, safety or welfare, would not conflict with the spirit or intent of this chapter or would not be otherwise detrimental to the community and particularly the surrounding neighborhood. The conditional use may not thereafter be changed without application. If this conditional use is terminated for any reason, the property shall not revert back to legal nonconforming status but the use shall terminate.**

§ 340-97. Abolishment or replacement."

If such nonconforming use is discontinued or terminated for a period of 12 months, any future use of the structure, land, or water shall conform to the provisions of this chapter. When a nonconforming use or structure is damaged by fire, explosion, flood, the public enemy, or other calamity to the extent of more than 50% of its equalized value, it shall not be restored except so as to comply with the use provisions of this chapter. A nonconforming structure or any structure with a nonconforming use which is damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold or infestation may be restored in accordance with the provisions of § 62.23(7)(hc), Wis. Stats. A current file of all nonconforming uses shall be maintained by the Building Inspector listing the following: owner's name and address; use of the structure, land, or water; and the accumulated value of any permitted repairs since its becoming a nonconforming use.

§ 340-98. Existing nonconforming structures. [Amended 3-3-1997 by Ord. No. 97-1; 6-4-2007 by Ord. No. 2007-1-B]

A lawful nonconforming structure existing at the time of the adoption or amendment of this chapter may be continued although its size or location does not conform to the lot width, lot area, yard, height, parking and loading, and access provisions of this chapter; however, except for residential structures in the A-1 District, lawful nonconforming structures in all other zoning districts shall not be extended, enlarged, reconstructed, moved, or structurally altered except when required to do so by law or order or so as to comply with the provisions of this chapter. Total lifetime structural repairs or alterations shall not exceed 50% of the Town's equalized value of the structure unless it is permanently changed to conform to the provisions of this chapter.

§ 340-99. Changes and substitutions. [Amended 11-13-2013 by Ord. No. 2013-03]

Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the Zoning Board of Appeals has permitted the substitution of another nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Zoning Board Appeals. Once the Plan Commission has granted conditional use status to an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Plan Commission.

§ 340-100. Structures encroaching on setback and yard requirements.

Structures which encroach upon setback and other yard requirements but which met setback and yard requirements at the time of construction may be structurally altered provided that they do not create a greater degree of encroachment.

14. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

ARTICLE X
Environmental Performance Standards

§ 340-101. Purpose.

This article sets the performance standards for all uses in all zoning districts, except agricultural and residential districts, to limit, restrict, and prohibit the effects of those uses outside their premises or district.